

SENATE BILL 814

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CF 0lr1257

By: **Senators Lenett, Madaleno, and Raskin**
Introduced and read first time: February 10, 2010
Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools – New Construction or Renovation – Children’s**
3 **Environmental Health**

4 FOR the purpose of requiring each county board of education to adopt an
5 environmental health plan for school construction or renovation projects that
6 includes certain standards; requiring a plan adopted under this Act to include
7 certain additional provisions for school construction or renovation that will be
8 conducted while the public school is occupied; requiring certain hazardous
9 substance removal standards adopted under this Act to include certain
10 provisions; requiring certain integrated pest management standards adopted
11 under this Act to include certain provisions; requiring the Department of Health
12 and Mental Hygiene to adopt regulations establishing a certain model
13 environmental health plan; requiring the model plan to include certain
14 minimum standards; requiring each county board to submit the plan developed
15 under this Act to the Secretary of Health and Mental Hygiene for approval on or
16 before a certain date; providing that the provisions of this Act only apply to new
17 construction or renovation of public schools in the State; defining certain terms;
18 providing for the application of this Act; and generally relating to
19 environmental health plans for new construction or renovation of public schools.

20 BY adding to

21 Article – Education
22 Section 7–4C–01 through 7–4C–07 to be under the new subtitle “Subtitle 4C.
23 Children’s Environmental Health”
24 Annotated Code of Maryland
25 (2008 Replacement Volume and 2009 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

28 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **SUBTITLE 4C. CHILDREN’S ENVIRONMENTAL HEALTH.**

2 **7-4C-01.**

3 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
4 **INDICATED.**

5 **(B) “MODEL PLAN” MEANS THE MODEL ENVIRONMENTAL HEALTH**
6 **PLAN ADOPTED UNDER § 7-4C-06 OF THIS SUBTITLE.**

7 **(C) “PLAN” MEANS AN ENVIRONMENTAL HEALTH PLAN ADOPTED**
8 **UNDER § 7-4C-03 OF THIS SUBTITLE.**

9 **7-4C-02.**

10 **THIS SUBTITLE APPLIES ONLY TO NEW CONSTRUCTION OR THE**
11 **RENOVATION OF PUBLIC SCHOOLS IN THE STATE.**

12 **7-4C-03.**

13 **(A) EACH COUNTY BOARD SHALL ADOPT AN ENVIRONMENTAL HEALTH**
14 **PLAN FOR SCHOOL CONSTRUCTION OR RENOVATION PROJECTS THAT INCLUDES**
15 **STANDARDS FOR:**

16 **(1) HAZARDOUS SUBSTANCE REMOVAL;**

17 **(2) INTEGRATED PEST MANAGEMENT;**

18 **(3) MOLD AND MOISTURE CONTAINMENT;**

19 **(4) TESTING FOR AND MITIGATION OF RADON HAZARDS; AND**

20 **(5) INDOOR AIR QUALITY.**

21 **(B) A PLAN ADOPTED UNDER SUBSECTION (A) OF THIS SECTION SHALL**
22 **INCLUDE ADDITIONAL PROVISIONS FOR SCHOOL CONSTRUCTION OR**
23 **RENOVATION THAT WILL BE CONDUCTED WHILE THE PUBLIC SCHOOL IS**
24 **OCCUPIED, INCLUDING:**

25 **(1) A POLICY TO NOTIFY PARENTS, STAFF, AND THE COMMUNITY**
26 **AT LEAST 2 MONTHS IN ADVANCE OF A CONSTRUCTION OR RENOVATION**
27 **PROJECT;**

1 **(2) PLANS TO SEPARATE CONSTRUCTION AREAS FROM OCCUPIED**
2 **SPACES, INCLUDING PROVISIONS TO PREVENT THE PASSAGE OF DUST AND**
3 **CONTAMINANTS INTO AREAS OF THE BUILDING OCCUPIED BY STUDENTS OR**
4 **STAFF; AND**

5 **(3) PLANS TO VENTILATE DUST, FUMES, AND ODORS AND TO**
6 **MITIGATE NOISE DURING THE CONSTRUCTION OR RENOVATION.**

7 **7-4C-04.**

8 **HAZARDOUS SUBSTANCE REMOVAL STANDARDS ADOPTED UNDER**
9 **§ 7-4C-03 OF THIS SUBTITLE SHALL INCLUDE PROVISIONS FOR:**

10 **(1) THE REMOVAL OR ENCAPSULATION OF ASBESTOS FROM**
11 **SCHOOL BUILDINGS OR PROPERTY;**

12 **(2) ASBESTOS-RELATED REPAIRS;**

13 **(3) CLEANUP AND DISPOSAL OF POLYCHLORINATED BIPHENYLS**
14 **FOUND IN SCHOOL BUILDINGS OR ON SCHOOL PROPERTY;**

15 **(4) CLEANUP, REMOVAL, DISPOSAL, AND REPAIRS RELATED TO**
16 **STORING HEATING FUEL OR TRANSPORTATION FUELS, INCLUDING ALCOHOL,**
17 **GASOLINE, FUEL, OIL, AND SPECIAL FUEL; AND**

18 **(5) ANY OTHER PROVISIONS NECESSARY TO LIMIT PERSONAL**
19 **EXPOSURE TO HAZARDOUS SUBSTANCES.**

20 **7-4C-05.**

21 **INTEGRATED PEST MANAGEMENT STANDARDS ADOPTED UNDER**
22 **§ 7-4C-03 OF THIS SUBTITLE SHALL INCLUDE PROVISIONS TO BE APPLIED**
23 **DURING PUBLIC SCHOOL CONSTRUCTION OR RENOVATION PROJECTS TO:**

24 **(1) ELIMINATE OR MITIGATE ECONOMIC AND HEALTH DAMAGE**
25 **CAUSED BY PESTS;**

26 **(2) MINIMIZE THE USE OF PESTICIDES AND THE RISKS TO HUMAN**
27 **HEALTH AND THE ENVIRONMENT ASSOCIATED WITH PESTICIDE APPLICATIONS,**
28 **INCLUDING PROHIBITING AERIAL SPRAYING OF PESTICIDES WHILE THE PUBLIC**
29 **SCHOOL IS OCCUPIED; AND**

1 **(3) USE INTEGRATED METHODS, SITE OR PEST INSPECTIONS,**
2 **PEST POPULATION MONITORING, EVALUATIONS OF THE NEED FOR PEST**
3 **CONTROL, AND ONE OR MORE PEST CONTROL METHODS, INCLUDING:**

4 **(I) SANITATION;**

5 **(II) STRUCTURAL REPAIRS;**

6 **(III) MECHANICAL AND LIVING BIOLOGICAL CONTROLS; AND**

7 **(IV) OTHER NONTOXIC OPTIONS, AND, IF NONTOXIC**
8 **OPTIONS ARE UNREASONABLE AND HAVE BEEN EXHAUSTED, THE LEAST TOXIC**
9 **PESTICIDE.**

10 **7-4C-06.**

11 **(A) BY REGULATION THE DEPARTMENT OF HEALTH AND MENTAL**
12 **HYGIENE SHALL ADOPT A MODEL ENVIRONMENTAL HEALTH PLAN FOR USE BY**
13 **THE COUNTY BOARDS WHEN DEVELOPING A PLAN UNDER THIS SUBTITLE.**

14 **(B) THE MODEL PLAN ADOPTED UNDER SUBSECTION (A) OF THIS**
15 **SECTION SHALL INCLUDE MINIMUM STANDARDS FOR EACH ITEM REQUIRED TO**
16 **BE INCLUDED IN A PLAN ADOPTED UNDER § 7-4C-03 OF THIS SUBTITLE.**

17 **7-4C-07.**

18 **ON OR BEFORE JULY 1, 2011, EACH COUNTY BOARD SHALL SUBMIT THE**
19 **MODEL PLAN DEVELOPED UNDER § 7-4C-03 OF THIS SUBTITLE TO THE**
20 **SECRETARY OF HEALTH AND MENTAL HYGIENE FOR APPROVAL.**

21 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall be
22 construed to apply only prospectively and may not be applied or interpreted to have
23 any effect on or application to any school construction or renovation that is started
24 before the local county board adopts an environmental health plan.

25 **SECTION 3. AND BE IT FURTHER ENACTED,** That this Act shall take effect
26 October 1, 2010.